

REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL

MISSION BEACH PARK - DETERMINATION OF WHETHER PROJECTS ARE VESTED
- ITEM NO. 205, COUNCIL DOCKET OF MARCH 21, 1988

In connection with the above docket item and as stated in our memorandum of law dated November 20, 1987, copy attached, in order for either the Belmont Park development project or the roller coaster to have vested rights under Proposition G, the City Council, after a public hearing, must make the following findings:

- (a) The project has received its final discretionary approval; and
- (b) Substantial expenditures have been incurred in good faith reliance on the final discretionary approval; and
- (c) Substantial construction has been performed on the property in good faith reliance on the final discretionary approval.

Proposition G provides that:

The "substantiality" of the expenditures incurred and of construction performed and the question of whether or not such expenditures and construction were in "good faith" are questions of fact to be determined on a case by case basis by the City Council following application by the landowner or developer and upon notice to the interested public, and following public hearing.

Respectfully submitted,
JOHN W. WITT
City Attorney

HOV:ps:263.9(x043.1)
Attachment
RC-88-15